

NEBRASKA DEPARTMENT
OF INSURANCE

BEFORE THE DEPARTMENT OF INSURANCE
STATE OF NEBRASKA

SEP 26 2000

FILED

STATE OF NEBRASKA
DEPARTMENT OF INSURANCE,

PETITIONER,

VS.

KENNETH OLSEN AND
FORSYTH INSURANCE AGENCY, INC.

RESPONDENTS.

CONSENT ORDER

CAUSE NO. A-1408

SEP 25, 2000 ACCT# 8521 \$2,000.00
NO-INVOICE 88250 TRAN# 782413
FORSYTH INSURANCE AGENCY, INC.
SEP 25, 2000 ACCT# 8521 \$1,000.00
NO-INVOICE 507-54-4663 TRAN# 782412
OLSEN, KENNETH R

In order to resolve this matter, the Nebraska Department of Insurance ("Department"), by and through its attorney, Manuel Montelongo, and Kenneth Olsen joined with Forsyth Insurance Agency, ("Respondents"), mutually stipulate and agree as follows:

JURISDICTION

1. The Department has jurisdiction over the subject matter and Respondents pursuant to Neb.Rev.Stat. § 44-101.01 and § 44-4001, et seq.

2. Respondent Kenneth Olsen was licensed as an insurance agent, and Respondent Forsyth Insurance Agency, Inc. is a licensed insurance agency under the laws of Nebraska at all times material hereto.

3. Respondent Kenneth Olsen is the designated licensed broker of Forsyth Insurance Agency, Inc., ("Forsyth"), and possesses full responsibility for the conduct of all business transactions of the insurance agency pursuant to Neb.Rev.Stat. § 44-4014.

STIPULATIONS OF FACT

1. The Department initiated this administrative proceeding by filing a Amended petition styled State of Nebraska Department of Insurance vs. Kenneth Olsen and Forsyth Insurance Agency, Inc., on September 15, 2000. A copy of the Amended petition was served upon the

Respondent at the Respondent's address registered with the Department by certified mail, return receipt requested.

2. The Amended petition alleges that Respondents violated Neb.Rev.Stat. §44-4005, 44-4011, 44-4028 (6) and (11), and 44-4040 as a result of the following conduct:

- a. Respondent was the designated licensed agent of Forsyth and had full responsibility for the business transactions of Forsyth during calendar years 1999 and 2000.
- b. On or about June 25, 1999 through January 31, 2000 Respondents processed fourteen applications for insurance coverage that Respondents knew were solicited by an insurance agent who was not properly licensed to solicit such coverage. Further, Respondents requested insurance agent Larry Ball, an agent of Forsyth, to misrepresent on applications of insurance that he solicited the applications when he did not. These applications were for the following Nebraska residents: Jeffrey Woita, Delores Scagge, Debra Wright, Jon Gossin, Alecia Andersen, Ezequiel Dimas, Herman Batelaan, Harry and Diane Mulligan, Danna Albright, Michael and Jolene Blehm, Steve Tyson, Karol Owen, Shirlene Berg, and Bobbe McGee.

3. The Respondents were informed of their right to a public hearing. Respondents waive that right, and enter into this Consent Order freely and voluntarily. Respondents understand and acknowledge that by waiving their right to a public hearing, Respondents also waive their right to confrontation of witnesses, production of evidence, and judicial review.

4. Respondents admit the allegations contained in Paragraphs #2 (a) and (b) of the Amended Petition and restated in Paragraph #2 above.

CONCLUSIONS OF LAW

Respondents' conduct as alleged above constitutes a violation of Neb.Rev.Stat. §44-4005, 44-4011, 44-4028 (6) and (11), and 44-4040.

CONSENT ORDER

It is therefore ordered by the Director of Insurance and agreed to by Respondents Kenneth Olsen and Forsyth Insurance Agency, Inc., that Respondent Kenneth Olsen shall pay an administrative fine of \$2,000 to the Department, and Respondent Forsyth Insurance Agency, Inc., shall pay an administrative fine of \$1,000 to the Department. Said fines shall be paid within thirty days of the entry of this Order. Respondents further agree that Forsyth Insurance Agency, Inc., will accept applications for insurance coverage only if the applications have been solicited in compliance with the Nebraska Insurance Producer's Licensing Act. The Nebraska Department of Insurance shall retain jurisdiction of this matter for the purpose of enabling the Respondents or the Department to make application for such further orders as may be necessary.

In witness of their intention to be bound by this Consent Order, each party has executed this document by subscribing his or her signature below.

Manuel Montelongo

Manuel Montelongo
Attorney for Nebraska
Department of Insurance
941 "O" Street, Suite 400
Lincoln, Nebraska 68508
(402) 471-2201

September 26, 2000
Date

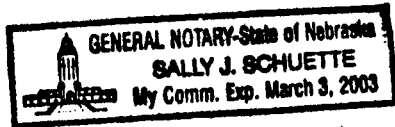
Kenneth R. Olsen

Kenneth Olsen and Forsyth Insurance
Agency, Respondents

9-22-00
Date

State of Nebraska)
) ss.
County of Lancaster)

On this 22 day of September, 2000, Kenneth Olsen personally appeared before me and read this Consent Order, executed the same and acknowledged the same to be his voluntary act and deed.



Sally J. Schuette
Notary Public

I hereby certify that the foregoing Consent Order is adopted as the Final Order of the Nebraska Department of Insurance in the matter of State of Nebraska Department of Insurance vs. Kenneth Olsen and Forsyth Insurance Agency, Cause No. A-1408.

STATE OF NEBRASKA
DEPARTMENT OF INSURANCE

L. Tim Wagner

L. TIM WAGNER
Director of Insurance

9/26/00
Date

CERTIFICATE OF SERVICE

I hereby certify that a copy of the executed Consent Order was sent to the Respondents at Respondents' registered address of Forsyth Insurance Agency, Inc., 1265 S. Cotner Blvd, Lincoln NE 68503 by certified mail, return receipt requested on this 26 day of September, 2000.

Stacey M. Bulfinch